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represents; and so a mere allegation in such a bill that the receiver declined to bring the suit is insufficient, it not showing a demand.

[Ed. Note.—For other cases, see Banks and Banking, Cent. Dig. §§ 99-104; Dec. Dig. § 55.\* 12 Va.-W. Va. Enc. Dig. 826; 10 Va.-W. Va. Enc. Dig. 581, 583.]

Appeal from Circuit Court, Mecklenburg County.

Bill by one Saunders and others against the Bank of Mecklenburg and others. From a decree sustaining a demurrer to the bill, complainants appeal. Affirmed.

*John A. Lamb, W. E. Homes, and S. A. Anderson*, for appellants.

*Hill Carter, E. P. Buford, R. T. Thorp, Harry C. Smithy, and E. C. Goode*, for appellees.

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MURRELL et al. v. TRADERS' & TRUCKERS' BANK et al.

June 13, 1912.

[75 S. E. 976.]

**Banks and Banking (§ 55\*)—Pleading—Petition to Intervene.**—Where an insolvent bank made an assignment of all its assets, and the assignee sued, asking the aid of the court of chancery in the administration of the trust, a bill by creditors of the bank, who sought to recover from the directors for their negligent mismanagement, which was properly dismissed, because there had been no demand upon and refusal by the assignee to begin suit, cannot be treated as a petition to intervene in the suit by the assignee.

[Ed. Note.—For other cases, see Banks and Banking, Cent. Dig. §§ 99-104; Dec. Dig. § 55.\* 2 Va.-W. Va. Enc. Dig. 316; 3 Va.-W. Va. Enc. Dig. 803.]

Appeal from Law and Chancery Court of City of Norfolk.

Bill by one Murrell and others against the Traders' & Truckers' Bank and others. From a decree sustaining a demurrer, complainants appeal. Affirmed.

*Jeffries, Wolcott, Wolcott & Lankford, W. L. Williams, and C. J. Collins*, for appellants.

*Jas. G. Martin, T. Catesby Jones, Jas. E. Heath, N. T. Green, Thos. H. Willcox, Tazewell Taylor, O. L. Shackelford, and W. H. Taylor*, for appellees.

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.